

### **REMARKS**

The applicant respectfully requests reconsideration in view of the amendment and the following remarks.

Claims 1-4, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,038,014 (Pratt et al.). Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pratt et al. in view of U.S. Patent No. 4,323,756 (Brown). Claims 1, 2, 3-4, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 199 25 330 A1 (Wollenberg) in view of Pratt et al. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wollenberg in view Pratt et al. and further in view of Brown.

Claim 1 has been amended in order to better define the invention. Claims 17-20 have been added which are dependent on Claim 1. Parent Claim 21 has been added as well as Claim 22 which is dependent on Claim 21. In order to maintain only 20 claims pending and to maintain the same number of independent claims, non-elected claims 15-16 have been canceled. Non-elected Claims 9-14 have been retained pending the possible filing of a divisional application. If this application is otherwise in condition for allowance the Examiner is authorized to cancel the non-elected claims.

Claim 1 has now been amended to define the group of materials as being the refractory metal particles which are used in the process. It is respectfully submitted that Claim 1, particularly as now amended, is not reasonably suggested by or obvious from Pratt. In that regard, Pratt relates to the fabrication of components which generally are intended for aircraft usage, such as listed in column 3, lines 32-34. The powder which is the main thrust of the Pratt disclosure is a titanium powder. Pratt does, however, provide a list of other materials which could be used, namely, "titanium alloys, nickel alloys, cobalt alloys, iron alloys, ceramics, and plastics". (Col. 4, lines 20-24) Significantly, none of these materials including titanium is a refractory powder metal in particle form as now defined in Claim 1. In that regard, Claim 1 now defines "the refractory metal particles are selected from the group consisting of tantalum, Re, W, Mo, W alloys, Mo alloys, Re alloys, niobium, tantalum alloys and niobium alloys". Support for this group is found in the Specification throughout with regard to tantalum and for the remaining

materials is found at page 12, lines 14-16. Accordingly, (1) the intent of the Pratt invention differs from that of applicants and (2) the specific manner of carrying out the Pratt invention with regard to the materials being used also differs from applicants. Applicants are making a refractory metal part and (2) utilize the defined refractory metal particles which differ from the materials specifically recited in Pratt. Because the intent of Pratt differs from the intent of applicants, it would not be reasonable or obvious to modify Pratt so as to use the claimed refractory metal particles of Claim 1 as done by applicants for a different purpose.

In view of the above Claim 1 and its dependent claims should be patentable over Pratt whether taken alone or in combination with the secondary art.

It is further respectfully submitted that parent Claim 1 and its dependent claims are patentable over Wollenberg in view of Pratt. In the Office Action the Examiner pointed out the various differences between Wollenberg and the invention which had been claimed at that time. The Examiner then relied upon Pratt for the suggestion of those features lacking in Wollenberg. The features included "utilizing metal powder particles" (page 5, lines 4-5 of Office Action). Neither Wollenberg nor Pratt, however, discloses or suggests the refractory metal particles defined in parent Claim 1 in the type of process having the specific process steps defined in parent Claim 1. Accordingly, parent Claim 1 should be allowed over Wollenberg in view of Pratt.

Newly added Claim 21 is similar to Claim 1, but differs in that it does not define the specific refractory metal particles as in Claim 1, but does define the substrate as being a tantalum substrate (step (b)) and further defines that the result of the process is "forming a tantalum sputtering target". For the reasons given above Claim 21 and its dependent Claim 22 should be allowed.

In view of the above remarks and amendments, applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13194-00160-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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